

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

JUDY JIEN, *et al.*,

Plaintiffs,

v.

PERDUE FARMS, INC., *et al.*,

Defendants.

Civil Case No. SAG-19-2521

**MOTION FOR LEAVE TO FILE UNDER SEAL MEMORANDUM  
AND EXHIBIT 1-A IN SUPPORT OF MAR-JAC POULTRY, INC.’S  
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UNDER RULE 12(b)(6)**

Pursuant to Local Rules 104.13 and 105.11 and Paragraph 10 of the Stipulated Protective and Clawback Order (“Protective Order”) in place in this case, *see* ECF No. 450, Mar-Jac Poultry, Inc. (“Mar-Jac GA”), hereby moves the Court for leave to file under seal unredacted versions of Mar-Jac GA’s Memorandum in Support of its Motion to Dismiss for Failure to State a Claim Under Rule 12(b)(6) (“the Supporting Memorandum”) and Exhibit 1-A to the same motion.

Exhibit 1-A is the “Asset and Membership Interest Purchase Agreement Between Mar-Jac Holdings, Inc., and Marshall Durbin Food Corporation, Marshall Durbin Farms, Inc., Moulton Farms, L.L.C., Melissa S. Durbin, Elise C. Durbin, Michael S. Crowe, Phillip B. Crowe and the Trusts for the Benefit of Michael S. Crowe and Phillip B. Crowe Established By Those Certain Irrevocable Trust Agreements Dated as of December 28, 1995.”

The exhibit is designated “CONFIDENTIAL” by Mar-Jac GA pursuant to the Protective Order and is therefore considered “Protected Material.” *See* ECF No. 450. This

“CONFIDENTIAL” designation is appropriate because Exhibit 1 contains “confidential or proprietary business, commercial . . . personnel, [and/or] product or financial content belonging to the producing party . . . that has not been made public or is not otherwise available or accessible in the public domain.” *See id.* ¶ 1.A. Under the Protective Order, “any Protected Materials (or any pleading, motion, or memorandum disclosing them) . . . or any portion thereof which discloses Protected Materials, shall be filed under seal[.]” *Id.* ¶ 10. Mar-Jac GA has considered “alternatives to sealing” that would “provide sufficient protection.” Local Rule 105.11. In this instance, however, there are no alternatives to sealing, because the entirety of Exhibit 1-A constitutes confidential business information and the document is confidential by its terms. *See* Mar-Jac Poultry Inc.’s Mot. to Dismiss for Failure to State a Claim Under Rule 12(b)(6) Ex. 1-A ¶ 7.14.

The Supporting Memorandum quotes and contains information drawn from redacted allegations in the Third Amended Complaint and from Exhibit 1-A. A redacted version of the Supporting Memorandum is filed on the public docket contemporaneously herewith.

For the foregoing reasons, Mar-Jac GA requests permission to file the Supporting Memorandum and Exhibit 1-A under seal.

Respectfully submitted,

Date: April 18, 2022

/s/ Edward C. Konieczny

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2022, the foregoing was filed electronically. Notice of this filing will be sent to all parties via the Court's CM/ECF system.

Date: April 18, 2022

/s/ Edward C. Konieczny  
Edward C. Konieczny